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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK 2012 APR -5 PM 12:09

BIG ROC TOOLS, INC.,

Plaintiff,

vs.

HARBOR FREIGHT TOOLS USA, INC.,

Defendant.

U.S. DISTRICT COURT
EASTERN DISTRICT
OF NEW YORK

CIVIL ACTION NO. 12-1681

1681

JURY TRIAL DEMANDED

COGAN, J.

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Big Roc Tools, Inc., as and for its Complaint against Defendant Harbor Freight Tools USA, Inc., hereby alleges as follows:

1. This is an action for patent infringement arising under the patent laws of the United States, 35 U.S.C. § 271 et seq.

JURISDICTION & VENUE

2. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §1331 and 28 U.S.C. §§ 1338(a).

3. Venue is proper in this Court and in the Eastern District of New York pursuant to 28 U.S.C. §§ 1391(c) and 1400(b).

4. Plaintiff Big Roc Tools, Inc. ("Big Roc Tools") is a corporation organized and existing under the laws of the State of California with its principal place of business at 1311 John Reed Court, City of Industry, California 91745. Big Roc is the owner of U.S. Patent No. 7,862,066.

5. Defendant Harbor Freight Tools USA, Inc. ("Harbor Freight") is a corporation organized and existing under the laws of the State of Delaware, with offices and facilities throughout the United States qualified to do business in the State of New York, with regular

places of business at 270 Peninsula Blvd., Hempstead, NY 11550; 301 W. Jericho Turnpike, Huntington Station, New York 11746; 1851 Sunrise Hwy., Bay Shore, New York 11706; 114 Veterans Memorial Hwy., Commack, New York 11725; and 1932 Middle County Rd., Centereach, New York 11720.

6. This Court has personal jurisdiction over Defendant. Defendant has conducted and does conduct, and has solicited and does solicit business within the State of New York and specifically within this judicial district and have committed acts of infringement within this district.

7. Defendant maintains one or more websites which display its products for sale and sells its products in company retail outlets. One such retail outlet, which offers for sale an ATV hitch, Harbor Freight Item No. 65960, is located at 270 Peninsula Blvd., Hempstead, NY 11550.

INFRINGEMENT OF U.S. PATENT NO. 7,862,066

8. On January 4, 2011, United States Patent No. 7,862,066 (the “’066 patent”) entitled “3 Way ATV/UTV Tractor Receiver Hitch” was duly and lawfully issued to Big Roc Tools. A copy of the ‘066 patent is attached as Exhibit A.

9. Upon information and belief, with knowledge of the ‘066 patent, Harbor Freight has directly and/or indirectly infringed one or more claims of the ‘066 patent by manufacturing, importing, marketing, offering for sale and/or selling the aforesaid ATV hitch, Item No. 65960. A copy of a page from Harbor Freight’s website showing this item is attached as Exhibit B. Harbor Freight’s unlawful acts will continue unless and until its infringement is enjoined.

10. Upon information and belief, with knowledge of the ‘066 patent, Defendant has actively induced and continues to induce infringement of one or more claims of the ‘066 patent

by inducing the manufacture, use, sale or offer for sale of the ATV hitch, Item No. 65960. Harbor Freight's unlawful acts will continue unless and until its infringement is enjoined.

11. Upon information and belief, the acts of Defendant Harbor Freight occurred with knowledge of the '066 patent and are willful and deliberate. This case is exceptional under 35 U.S.C. §285, entitling Plaintiff to an award of increased damages and attorneys' fees.

12. Plaintiff Big Roc has been damaged by Defendant's infringement of the '066 patent and is suffering and will continue to suffer irreparable harm and damages as a result of this infringement until such infringement is enjoined by this Court. Plaintiff has no adequate remedy at law.

WHEREFORE, Plaintiff Big Roc prays that the Court:

A. Enter judgment that the Defendant has infringed one or more claims of United States Patent Nos. 7,862,066.

B. Temporarily, permanently enjoin the Defendant, its parents, subsidiaries, affiliates, divisions, officers, agents, servants, employees, directors, partners, representatives, and all parties in active concert and/or participation with it, from engaging in the aforesaid unlawful acts of infringement;

C. Award Plaintiff all damages, including increased damages, caused by Defendant's unlawful acts together with interest thereon;

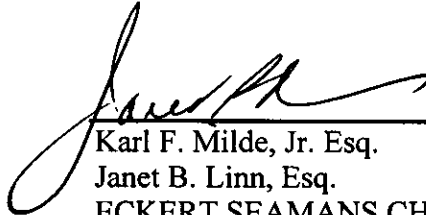
D. Declare this case exceptional and award Plaintiff its attorney fees and costs incurred in this action; and

E. Grant Plaintiff such other and further relief as the Court may deem just and proper.

DEMAND FOR JURY TRIAL

Plaintiff hereby demands a jury trial of all issues triable of right by jury.

Dated: April 4, 2012



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A

(12) **United States Patent**
Smith

(10) **Patent No.:** **US 7,862,066 B2**
(45) **Date of Patent:** **Jan. 4, 2011**

(54) **3 WAY ATV/UTV TRACTOR RECEIVER HITCH**

(56) **References Cited**

U.S. PATENT DOCUMENTS

(75) **Inventor:** **Douglas R. Smith**, Fair Oaks, CA (US)

2,827,307 A * 3/1958 Osborn 280/416.3

5,106,114 A * 4/1992 Haupt 280/416.1

(73) **Assignee:** **Big Roc Tools, Inc.**, Arcadia, CA (US)

5,265,899 A * 11/1993 Harrison 280/416.1

5,725,229 A * 3/1998 McWethy 280/416.1

(*) **Notice:** Subject to any disclaimer, the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 164 days.

5,873,594 A * 2/1999 McCoy et al. 280/491.5

7,055,845 B1 * 6/2006 Putnam 280/504

7,264,261 B2 * 9/2007 Konsela 280/507

2004/0080140 A1 * 4/2004 Hart 280/416.1

2005/0006874 A1 * 1/2005 Mrofka et al. 280/416.1

2005/0067812 A1 * 3/2005 Moss et al. 280/416.1

2007/0228693 A1 * 10/2007 Witchey 280/416.1

2009/0127820 A1 * 5/2009 Konsela 280/416.1

(21) **Appl. No.:** **12/321,887**

(22) **Filed:** **Jan. 27, 2009**

* cited by examiner

(65) **Prior Publication Data**

US 2009/0189368 A1 Jul. 30, 2009

Primary Examiner—Lesley Morris

Assistant Examiner—Tashiana Adams

(74) **Attorney, Agent, or Firm**—Karl F. Milde, Jr.; Eckert Seamans Cherin & Mellott, LLC

Related U.S. Application Data

(60) Provisional application No. 61/062,594, filed on Jan. 28, 2008.

(57) **ABSTRACT**

(51) **Int. Cl.**
B60D 1/07 (2006.01)

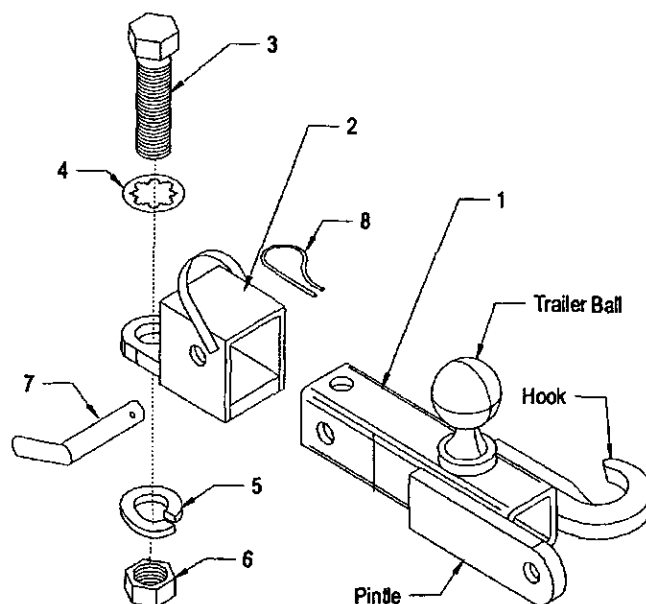
(52) **U.S. Cl.** 280/416.1; 280/416.2

(58) **Field of Classification Search** 280/416.1, 280/416.2

See application file for complete search history.

A three-way hitch assembly for a tractor-type vehicle, such as an ATV/UTV, is designed to facilitate the attachment of multiple accessory devices to the vehicle. The hitch assembly includes: a drawbar pintle, a hook, and a replaceable hitch ball.

6 Claims, 1 Drawing Sheet



U.S. Patent

Jan. 4, 2011

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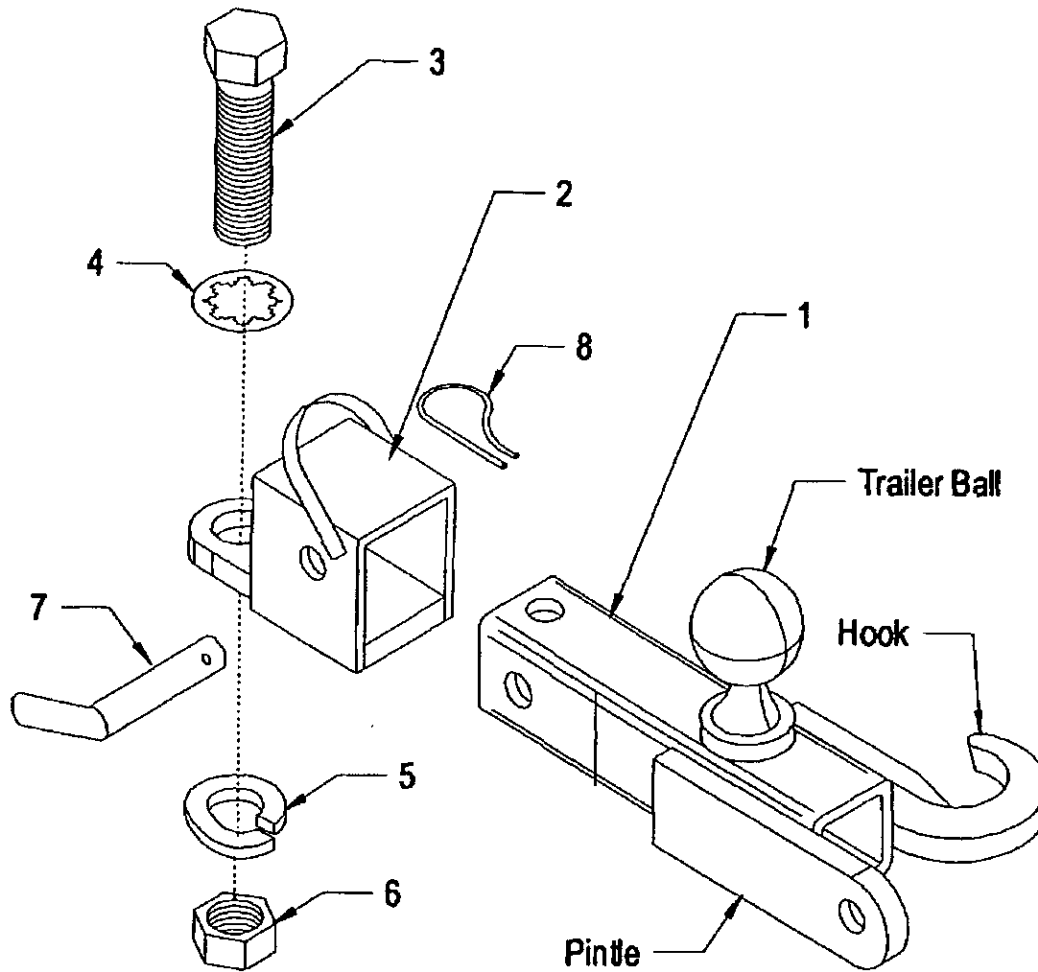


FIG. 1

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**3 WAY ATV/UTV TRACTOR RECEIVER
HITCH****CROSS-REFERENCE TO RELATED
APPLICATION**

This present application claims benefit of priority from U.S. Provisional Application Ser. No. 61/062,594, filed Jan. 28, 2008, entitled "3 WAY ATV/UTV TRACTOR RECEIVER HITCH".

BACKGROUND OF THE INVENTION

The present invention relates generally to a trailer hitch assembly and more particularly to an all-terrain vehicle (ATV)/utility vehicle (UTV) hitch assembly with multiple connection modes.

ATV/UTV tractors equipped with a trailer are commonly used in hunting, farming, landscaping, gardening and the like. Agricultural implements with pintle, chain, or strap attachments are available for use with such utility vehicles.

Although some all-terrain vehicle (ATV) manufacturers have begun installing hitch receivers, as opposed to hitch bars, on their ATVs, no standard has been agreed upon thus, depending on the accessory, the attachment can vary.

Hitch bar mounted accessories are generally not quickly attached or detached. They are generally bolted to the mount hole and require the use of tools for installation and removal.

As can easily be recognized by one skilled in the art, hitch assemblies, attachments, accessories and implements for ATVs and lawn and garden tractors need to be adaptable for the different attachment modes. Thus, a 3 way hitch assembly solving the aforementioned problems is desired.

SUMMARY OF THE INVENTION

The principal object of the present invention is to provide a 3 way hitch that can be used for attaching multiple accessory devices to an ATV/UTV and/or other utility vehicle.

This object, as well as other objects which will become apparent from the discussion that follows are achieved, according to the present invention, by providing a hitch assembly that includes:

1. A receiver portion that can be attached to a vehicle which is not equipped with a factory-installed receiver;
2. A drawbar that is usable with a provided receiver or factory installed receiver;
3. A drawbar that can be quickly attached or removed as needed;
4. A drawbar that can be rotated in the receiver to gain access to the hitching system required for the current application;
5. A hook on one side of the drawbar for use with tow chain or straps;
6. A pintle on one side of the drawbar for use with pin/pintle attachment accessories;
7. A trailer ball on one side of the drawbar for use with trailer hitch mounts; and finally
8. To provide extra extension from the mounting point for the drawbar and the receiver, by extending the hitching location further out from the normal attachment point thus adding rear tire clearance and safety when turning.

For a full understanding of the present invention, reference should now be made to the following detailed description of the preferred embodiments of the invention as illustrated in the accompanying drawing.

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BRIEF DESCRIPTION OF THE DRAWING

The single FIGURE (FIG. 1) is an assembly diagram, in perspective, showing the various elements of the hitch assembly according to the present invention.

**DETAILED DESCRIPTION OF THE PREFERRED
EMBODIMENT**

As shown in FIG. 1, the hitch assembly according to the invention comprises a drawbar (1) with hook, pintle, and trailer ball; a receiver (2); mounting hardware (3, 4, 5, 6) and a hitch pin (7, 8).

In typical use, the receiver (2) is attached to the mounting hole on the ATV or utility vehicle with mounting hardware (3, 4, 5, 6) if no receiver is currently installed. The drawbar (1) is inserted into the receiver depending upon which attachment mode is needed. Then the drawbar is held into receiver by hitch pin (7). For other attachment needs, the hitch pin (7) is removed and the drawbar (1) removed and reinserted to allow for the proper attachment.

The drawbar (1) includes a relatively long extension portion from the mounting point to the trailer ball to extend the hitching location further out from the normal attachment point to add rear tire clearance and safety when turning the vehicle.

There has thus been shown and described a novel 3 way ATV/UTV tractor receiver hitch which fulfills all the objects and advantages sought therefor. Many changes, modifications, variations and other uses and applications of the subject invention will, however, become apparent to those skilled in the art after considering this specification and the accompanying drawings which disclose the preferred embodiments thereof. All such changes, modifications, variations and other uses and applications which do not depart from the spirit and scope of the invention are deemed to be covered by the invention, which is to be limited only by the claims which follow.

What is claimed is:

1. A three-way hitch assembly for a motor vehicle, said assembly comprising, in combination:
 - (a) a receiver portion adapted to be attached to a rear of said vehicle, said receiver portion having a square opening for receiving a drawbar portion;
 - (b) a drawbar portion comprising an elongate rod with an external square profile matching the square opening in said receiver portion, said drawbar portion having (1) a free end and (2) a connecting end, said rod with said square profile extending from one said end to the other, said connecting end being adapted to be inserted in the receiver portion in one of a plurality of four orientations as required for a particular application;
 - (c) means for retaining the connecting end of the drawbar portion in the receiver portion in said one of said plurality of orientations;
 - (d) a hook attached to a first side of the drawbar portion and adapted to receive a tow chain or strap, said hook extending outward from said free end of said drawbar portion in a longitudinal direction of said rod;
 - (e) a drawbar pintle attached to a second side of the drawbar portion, opposite said first side, having a hole adjacent one end adapted to receive a pin for attachment of an accessory, said pintle with said hole extending outward from said free end of said drawbar portion in said longitudinal direction of said rod; and
 - (f) a trailer hitch ball attached to a third, remaining side of the drawbar portion adjacent said free end and adapted to receive a trailer hitch ball mount.

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2. A three-way hitch assembly for a motor vehicle, said assembly comprising, in combination:

- (a) a drawbar portion comprising an elongate rod with an external square profile, said drawbar portion having (1) a free end and (2) a connecting end, said rod with said square profile extending from one said end to the other, said connecting end being adapted to be inserted in a matching square opening in a receiver portion attached to a rear of said vehicle in one of a plurality of four orientations as required for a particular application;
- (b) means for retaining the connecting end of the drawbar portion in the square opening of the receiver portion, the drawbar portion being insertable in said opening in one of said plurality of orientations;
- (c) a hook attached to a first side of the drawbar portion adapted to receive a tow chain or strap, said hook extending outward from said free end of said drawbar portion in a longitudinal direction of said rod;
- (d) a pintle attached to a second side of the drawbar portion, opposite said first side, having a hole adjacent one end

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adapted to receive a pin for attachment of an accessory, said pintle with said hole extending outward from said free end of said drawbar portion in said longitudinal direction of said rod; and

- (e) an opening on a third, remaining side of the drawbar portion adapted to receive a trailer hitch ball.

3. The three-way hitch assembly defined in claim 1, wherein said rod is hollow from end to end, thereby to facilitate bolting on the trailer hitch ball.

4. The three-way hitch assembly defined in claim 1, wherein said pintle is an elongate, straight, flat bar of rectangular profile.

5. The three-way hitch assembly defined in claim 2, wherein said rod is hollow from end to end, thereby to facilitate bolting on the trailer hitch ball.

6. The three-way hitch assembly defined in claim 2, wherein said pintle is an elongate, straight, flat bar of rectangular profile.

* * * * *

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ATV Hitch

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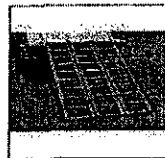
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Description	Specifications	Warranty	Customer Reviews
<p>3-in-1 hitch design quickly and easily mounts on any 2" square receiver.</p> <ul style="list-style-type: none"> ■ Handles several hauling and towing needs without extra attachments ■ Can be rotated to be used as either a ball mount or hitch pin hole ■ Won't affect ground clearance ■ Heavy duty powder-coated steel construction <p>Trailer bar hitch dimensions: 9-1/4" L x 2" W x 6-7/8" H</p> <p>Ball mounting hole diameter: 0.783"</p> <p>Shipping Weight: 5.30 lbs.</p>			

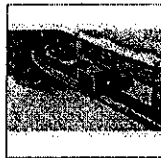
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